



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,494	01/07/2005	Andreas Finke	5255-37PUS	9782
27799	7590	12/03/2008		
COHEN, PONTANI, LIEBERMAN & PAVANE LLP				
551 FIFTH AVENUE				
SUITE 1210				
NEW YORK, NY 10176				
EXAMINER				
STRIMBU, GREGORY J				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
12/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,494

Applicant(s)

FINKE, ANDREAS

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 10-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Drawings

The drawing correction filed June 27, 2007 has been approved.

Claim Rejections - 35 USC § 112

Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a guide carriage for a movement parallel to said guide track" on line 5 of claim 10 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the guide carriage only for a single movement? Recitations such as "to which a door leaf of the sliding door is fixed: on lines 5-6 of claim 10 render the claims indefinite because it is unclear if the door leaf is fixed to the guide track or to the guide carriage. Recitations such as "said permanent magnets . . . and said coils" on lines 7-9 of claim 10 render the claims indefinite because it is unclear how the coils and the permanent magnets can always create a magnetic force to partially suspend the door leaf as implied by the recitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12, 17-21, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabout (US 5712516) in view of Karita (US 4876765). Kabout discloses a linear drive arrangement for a sliding door, the arrangement comprising:

- a guide track 14;

- a stator arrangement 15 including coils 18 is fixed with respect to said guide track 14;

- a guide carriage (not numbered, but shown attached to the door leaf 1 in figure 2) for movement parallel to said guide track, to which a door leaf 1 of the sliding door is fixed;

- a plurality of permanent magnets 10 fixed to said guide carriage, wherein said permanent magnets and said coils form a holder so that the guide carriage, with the fixed door leaf, is partially suspended by a magnetic force between the permanent magnets and the coils, and wherein the same permanent magnets and coils form a linear drive for the door leaf so that the guide carriage can be driven along said guide track by said magnetic force; and

- at least one supporting roller 12.

Kabout is silent concerning a supporting roller which supports the guide carriage on the guide track.

However, Karita discloses a linear drive arrangement for a sliding door comprising supporting rollers 121, which supports a guide carriage 114 on a guide track 105 when said carriage is not fully suspended by said magnetic forces; wherein the rollers 121 are disposed at front and rear ends of the of the guide carriage as shown in

figure 4; wherein two supporting rollers 121 are arranged on one side of the guide carriage as shown in figure 5; wherein at least one of the supporting rollers rolls on the guide track as movement of the guide carriage begins and ends.

It would have been obvious to one of ordinary skill in the art to provide Kabout with a roller arrangement, as taught by Karita, to enable a user to move the door when the linear drive does not have power.

Claims 13, 14, 16, 22, 23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabout in view of Karita as applied to claims 10-12, 17-21, 26 and 27 above, and further in view of Tucker (US 3105272). Tucker discloses a door system comprising a plurality of rollers 16, each said roller is journaled on a bearing shaft 36 which is received through a bore hole in a guide carriage 32, wherein each said bearing shaft 36 has a first end (not numbered, but shown in figures 3 and 5) on which a respective said roller is journaled eccentrically with respect to the axis of the shaft, wherein each said roller is detachable from the bearing shaft.

It would have been obvious to one of ordinary skill in the art to provide Kabout, as modified above, with an adjustment means, as taught by Tucker, to increase the ease with which the position of the door can be adjusted relative to the surrounding frame.

Claims 13-15 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabout in view of Karita as applied to claims 10-12, 17, 18, 19-21, 26

and 27 above, and further in view of Redman et al. (US 5070575). Redman et al. discloses a door system comprising a plurality of rollers 50, each said roller is journaled on a bearing shaft 70 which is received through a bore hole 88 in a guide carriage 80, wherein each said bearing shaft 70 has a first end 62 on which a respective said roller 50 is journaled eccentrically with respect to the axis of the shaft, each said bearing shaft has a second end (not numbered, but shown in figure 4) provided with a threaded bore 68 which receives a fastening screw 32.

It would have been obvious to one of ordinary skill in the art to provide Kabout, as modified above, with an adjustment means, as taught by Redman et al., to increase the ease with which the position of the door can be adjusted relative to the surrounding frame.

Response to Arguments

Applicant's arguments filed September 2, 2008 have been fully considered but they are not persuasive.

Regarding the applicant's comments concerning Kabout, the examiner respectfully disagrees. As the door is moved, each individual coil is energized so as to attract an adjacent permanent magnet 10. Since the adjacent permanent magnet will be slightly behind the energized coil, the magnetic attraction force can be broken down in to a y-axis component and an x-axis component. The y-axis component will urge the adjacent permanent magnet in a direction parallel to the longitudinal axis of the track

while the x-axis component will partially suspend the door leaf if only for a short period of time.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634